

that ultimately led to the termination of Hibbert's employment and a written warning to McCoy. Holmes resigned on July 7, 2020.

C. Comprehensive statement of undisputed facts as agreed to by counsel at the conference of attorneys required by Local Rule 16.3. No facts should be denied unless opposition counsel expects to present contrary evidence or genuinely challenges the fact on credibility grounds. The parties must reach agreement on uncontested facts even though relevancy is disputed.

1. Patricia Holmes began her employment with American Home Patient on October 14, 2019, as a Customer Service Representative in the Company's State College office.

2. American Home Patient provides in-home respiratory and durable medical equipment, such as oxygen, CPAP and BiPAP machines and in-home ventilators.

3. The Center Manager, Timothy McCoy, was Holmes's supervisor and the only manager at American Home Patient's State College office.

4. American Home Patient is owned by Lincare Holdings, Inc., and its employee policy handbook is the same one that is used by Lincare Inc., which is another Lincare Holdings company.

5. Linde USA is the ultimate parent company of both American Home Patient and Lincare Inc.

6. Ms. Holmes notified American Home Patient on July 7, 2020, that she was resigning from employment effective one week later.

7. Ms. Holmes's last day of employment with American Home Patient was July 14, 2020.

D. Brief description of damages:

Plaintiff seeks non-economic compensatory and punitive damages. Plaintiff's non-economic damages include: pain, suffering, mental anguish, emotional distress, damage to her reputation, embarrassment, humiliation, and inconvenience.

E. Names and addresses of witnesses, along with the specialties and qualifications of experts to be called.

**Patricia Holmes
203-14 Hollis Avenue
Queens, NY 11412**

**Tim McCoy
C/O Jo Bennett, Esq.**

**Tammy Dunmire
657 Valley View Road
Bellefonte, PA 16823**

**Haley Eichelberger
C/O Jo Bennett, Esq.**

**Lois Dodson
C/O Jo Bennett, Esq.**

**Mark Catttron
C/O Jo Bennett, Esq.**

F. Summary of testimony of each expert witness.

Not applicable

G. Special comment about pleadings and discovery, including depositions and the exchange of medical reports.

None.

H. A summary of legal issues involved and legal authorities relied upon.

Plaintiff claims she was subjected to a hostile work environment pursuant to 42 U.S.C. §1981. Plaintiff seeks compensatory and punitive damages. ECF 29; Castleberry v. STI Grp., 863 F.3d 259 (3d Cir. 2017).

I. Stipulations desired.

- **Authenticity and admissibility of exhibits**
- **Net worth of the defendant**

J. Estimated number of trial days.

2-3 trial days

K. Any other matter pertinent to the case to be tried.

None.

L. Pursuant to Local Rule 16.3 append to the memorandum a pre-numbered schedule of exhibits, with brief identification of each, of the clerk's exhibit form.

Exhibit list attached

M. Append any special jury questions which counsel desires to submit.

Plaintiff's proposed jury verdict form is being filed separately per Order of Court.

N. Defense counsel must file a statement that the person or committee with settlement authority has been notified of the requirements of and possible sanctions under Local Rule 16.2.

Not applicable

O. Certificate must be filed as required under Local Rule 30.10 that counsel have met and reviewed depositions and video tapes in an effort to eliminate irrelevancies, side comments, resolved objections, and other matters not necessary for consideration by the trier of fact.

Plaintiff currently expects that all of the witnesses listed in Section E above will testify live at trial.

P. In all trials without a jury, requests for findings of both fact and law shall be submitted with this memorandum as required under Local Rule 48.2.

Not applicable

Respectfully submitted,

Bordas and Bordas, PLLC

Dated: February 26, 2024

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